

HOUSE No. 54

By Mr. Kaufman of Lexington, petition of Jay R. Kaufman and others relative to voting by the instant runoff voting method in primaries. Election Laws.

The Commonwealth of Massachusetts

PETITION OF:

Jay R. Kaufman	Common Cause Massachusetts
Patricia D. Jehlen	Alice K. Wolf
Ellen Story	Frank I. Smizik

In the Year Two Thousand and Five.

AN ACT RELATIVE TO VOTING BY THE INSTANT RUNOFF VOTING METHOD IN PRIMARIES.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Section 2 of chapter 50 of the General Laws as
2 appearing in the 2002 Official Edition is hereby amended by
3 striking out the third sentence and inserting in place thereof the
4 following:—
5 This section shall not apply to nominations and elections by
6 ballot at primaries or caucuses. The Instant Runoff Voting
7 method, as defined in section 1 of chapter 50 shall be the method
8 used for all primary elections and caucuses for the following
9 offices when three or more candidates have qualified to have their
10 names printed on the ballot: governor, lieutenant governor,
11 attorney general, secretary of the commonwealth, state treasurer,
12 state auditor, and representative and senator in general court. Bal-
13 lots shall allow the voter to mark the voter's first choice in the
14 same manner as that for offices not elected by Instant Runoff
15 Voting. Sample ballots illustrating voting procedures shall be
16 posted in or near the voting booth, and shall be included in the
17 instruction packet for absentee ballots. Directions to voters shall
18 conform substantially to the following:

19 “Vote for your first-choice candidate by marking the number
20 ‘1’ next to that candidate’s name. In addition to your first choice
21 candidate, you may rank additional candidates in order of prefer-
22 ence. Ranking additional candidates will not affect your first-
23 choice candidate. Indicate your second choice by marking the
24 number ‘2’ by that candidate’s name, your third choice by
25 marking the number ‘3,’ and so on for as many candidates as you
26 wish. Do not mark the same number beside more than one candi-
27 date. Do not skip numbers.”

28 The secretary of the commonwealth shall adopt and promulgate
29 regulations consistent with this section, which regulations shall
30 ensure that ballots shall be simple and easy to understand. As
31 soon as practicable, the secretary of the commonwealth shall
32 ensure that all voting equipment in the commonwealth is capable
33 of effecting Instant Runoff Voting. In addition, the secretary of
34 the commonwealth shall conduct a voter education campaign to
35 familiarize voters with Instant Runoff Voting.

1 SECTION 2. Section 1 of chapter 50 of the General Laws as
2 appearing in the 2002 Official Edition is hereby amended by
3 inserting after the definition of “federal act” the following defini-
4 tion:—

5 “Instant Runoff Voting” means a method of casting and tabu-
6 lating votes that simulates the ballot counts that would occur if all
7 voters participated in a series of runoff elections with one candi-
8 date eliminated after each round of counting. In elections using
9 the Instant Runoff Voting method, voters may rank the candidates
10 in order of preference. In all such elections, the count shall pro-
11 ceed in the following manner:

12 (2) The initial round of counting shall be a count of the first
13 choices marked on each ballot. If any candidate receives a
14 majority of the first choices, that candidate shall be deemed and
15 declared elected.

16 (3) If no candidate receives a majority of first choices, there
17 shall be a second round of counting. The last-place candidate
18 shall be eliminated, and all the continuing ballots shall be
19 recounted. “Continuing ballot” means a ballot that is not an
20 exhausted ballot.

21 (4) Each continuing ballot shall be counted as one vote for that
22 ballot's highest ranked advancing candidate. "Advancing candi-
23 date" means a candidate who has not been eliminated.

24 (5) If no candidate receives a majority at the second round of
25 counting, there shall be a third round of counting. The last-place
26 candidate shall be eliminated, and all the continuing ballots shall
27 be recounted. Each continuing ballot shall be counted as one vote
28 for that ballot's highest ranked advancing candidate.

29 (6) The process of eliminating the last-place candidates and
30 recounting all the continuing ballots shall continue until one can-
31 didate receives a majority of the votes in a round. The candidate
32 who receives a majority of the votes in a round shall be deemed
33 and declared to be elected.

34 (7) When a ballot becomes an exhausted ballot it shall not be
35 counted in that round or any subsequent round. "Exhausted
36 ballot" means a ballot on which there are no choices marked other
37 than choices for eliminated candidates.

38 (8) If there are not sufficient second and lower choices for any
39 candidate to receive a majority, the candidate with the highest
40 number of votes shall be deemed and declared to be elected.

41 (9) No candidate who has been eliminated can be elected, no
42 matter how many second and lower ranked choices might other-
43 wise have become votes for that candidate in a later round.